

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANK CARBONE, ANDREW CORZO, SAVANNAH ROSE EKLUND, SIA HENRY, ALEXANDER LEO-GUERRA, MICHAEL MAERLENDER, BRANDON PIYEVSKY, KARA SAFFRIN, and BRITTANY TATIANA WEAVER, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE OF TECHNOLOGY, UNIVERSITY OF CHICAGO, THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, CORNELL UNIVERSITY, TRUSTEES OF DARTMOUTH COLLEGE, DUKE UNIVERSITY, EMORY UNIVERSITY, GEORGETOWN UNIVERSITY, THE JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, NORTHWESTERN UNIVERSITY, UNIVERSITY OF NOTRE DAME DU LAC, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, WILLIAM MARSH RICE UNIVERSITY, VANDERBILT UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

**Hon. Matthew F. Kennelly
Magistrate Gabriel A. Fuentes**

JURY TRIAL DEMANDED

**DECLARATION OF ROBERT E. LITAN IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS**

I, Robert E. Litan, declare as follows:

1. I am a Shareholder of Berger Montague PC. I represent Plaintiffs in the above-entitled action. I am submitting this declaration in support of Plaintiffs' Opposition to Defendants' Motions to Dismiss.

2. Attached as Exhibit A is a true and correct copy of excerpts of *The College Admissions Process Favors Wealthier Students—Here's What Their Not-So-Wealthy Peers Can Do About It* (Dec. 24, 2019), by Andrew Pentis, observing that "schools have adopted need-blind admissions. That means they admit students based only on merit."

3. Attached as Exhibit B is a true and correct copy of *Need-Blind Admissions Advantages Wealthy Applicants*, VANDERBILT POLITICAL REVIEW (Jan. 1, 2018) by Collin Hong, observing that: "Elite universities have increasingly adopted need-blind admissions, which is the practice of disregarding economic factors when looking at prospective applicants," thus excluding "giving preference to students with higher family income even if they are less qualified."

4. Attached as Exhibit C is a true and correct copy of the document entitled: A REPORT ON THE STATE OF FINANCIAL AID AT BROWN (Apr. 2, 2012), which identifies Brown's need aware admissions policies for transfer and "non-traditional" applicants to the full-time undergraduate program.

5. Attached as Exhibit D is a true and correct copy of a document from the website of Georgetown University's office of the President, entitled *Student Town Hall Meeting on the Implications of the Financial Crisis* (Mar. 2, 2009), in which Georgetown President John DeGioia states that "we [Georgetown] compete among the top 25 universities in the nation."

6. Attached as Exhibit E is a true and correct copy of *Need-Blind Admissions and the Drive to Increase Endowed Scholarships* (Oct. 13, 1999), published in the University of Pennsylvania Almanac, in which Penn President Judith Rodin explains that Penn’s peer group in providing financial aid is the “Ivy-plus cohort”.

7. Attached as Exhibit F is a table based on public information, showing that if Defendants increased their annual spending rate from their unrestricted endowments from the current 4.5 percent annually to 6.5 percent, then 9 of the 17 Defendants need not charge anything at all to their current students on financial aid (compare the figures in columns 6 and 5), while the net price at the 8 others would fall by an average of almost \$12,000 annually.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of June, 2022.

/s/ Robert E. Litan